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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,684	02/27/2004	Richard J. Scherer	59419US002	7027
32692	7590 03/24/2005		EXAMINER	
3M INNOV PO BOX 334	/ATIVE PROPERTIES 127	CHUNG TRANS	CHUNG TRANS, XUONG MY	
ST. PAUL, MN 55133-3427			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Application No.   Application No.   10/788,684   SCHERRE ST AL.		<del></del>				
Examiner    Xuong M. Churg-Trans   2833		Application No.	Applicant(s)			
Name	Office Action Summer	10/788,684	SCHERER ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions drine may be available under the proxision of 3 CFR 1.13(e). In ne event, however, may a reply be timely filed after 5X (9) MONTHS from the mailing date of this communication, pay within the statisty prinkfully (80) days will be considered timely.  I NO particle for reply is specified above, the maximum statistory prinkfully pay and will expire (50) (9) MONTHS from the mailing date of this communication.  Fablus to reply within the set or extended particle for reply will, by attaints, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Official extra that there members after the mailing date of this communication, even if timely filed, may reduce any counted patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 2/27/04.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s)	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ■ Extracions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  ■ the period for reply specified above, the maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply is pacefied above, the maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply is pacefied above, the maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply is pacefied above. The maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory period will apply and will explice SIX (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory period will apply and will explice six (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory will apply and will apply and will explice six (6) MONTHS from the mailing date of this communication.  ■ PINO period for reply specified above. The maximum stabutory will apply and will apply and will explice six (6) MONTHS from the maximum stabutory specified on the communication.  ■ PINO period for reply specified above. The maximum stabutory specified specified and specif			<del>-</del>			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of the map be available under the provision of 37 CPR 1,33(e). In no event, however, may a reply be timely filled effect SIX (6) MONTHS from the making date of this communication.  If the period for reply prefiled above is less then this (70) days, are reply within the stathcary, ninhows of this (730) days will be considered timely.  Fallets to reply within the set or extended period for reply will by the stathcary, ninhows of this (730) days will be considered timely.  Fallets to reply within the set or extended period for reply will, by statuta, cause the application to become ABANDONED (35 U.S. 5, 133). Any reply received by the Office alter than three months after the mailing date of this communication, even if timely filed, may reduce any canned patent term edijustment. See 37 CPR 1,704(b).  Status  1)  Responsive to communication(s) filled on 2/27/04.  2a) This action is FINAL.  2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-51 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are rejected.  7)  Claim(s) is/are rejected.  7)  Claim(s) is/are rejected.  10  The specification is objected to by the Examiner.  Application Papers  9)  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawi	The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address			
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	Attachment(s)					
Paper No(s)/Mail Date <u>2/27/04 and 4/2/04</u> . 6) Other:	B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) D Notice of Informal Pa				

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: specie I (figures 1-3); specie II (figure 4); specie III (figure 5) and specie IV (figures 7A-7B).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the



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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xuong M. Chung-Trans whose telephone number is (571) 272-2002. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 extension 33.. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X. Chung-Trans

HOSS GUSHI ≓RIMARY EXAMINER

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